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1 IN THE SENATE

BY THE LABOR AND
COMMERCE COMMITTEE

2

SENATE BILL NO. 88

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to increases or surcharges to auto-
mobile insurance premiums."

7

8

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9

* Section 1. AS 21.36.420(d) is amended to read:

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(d) An insurer that increases the premium or adds a surcharge to

11

an automobile insurance policy shall give written notice of the in-

12

crease or surcharge at least ²⁰~~15~~ days before it takes effect, stating

13

the reason for the change and the right of appeal under AS 21.39.090.

14

This subsection does not apply to a

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(1) premium increase resulting from a change requested by

16

an insured, if the insured is notified at the time the request is made

17

that the amount of the insured's premium will change as a result of

18

the requested policy change; or

19

(2) rate approved by the director if the insurer gives

20

written notice of a premium increase to the insured at least ²⁰~~15~~ days

21

before the renewal date of the affected policy.

HUGHES THORSNESS GANTZ
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HAND DELIVERED

January 16, 1987

DAVID H. THORSNESS
JAMES M. POWELL
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MARCUS R. CLAPP*
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GARY W. GANTZ
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MARILYN MAY
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JOHN G. FRANK**
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THOMAS R. LUCAS
TIMOTHY R. REDFORD
SHELFON E. WINTERS**
DOUGLAS R. SMITH
JOHN J. NOVAK
JOHN H. TINDALL
DAVID H. KNAPP
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* FAIRBANKS OFFICE
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*** VALDEZ OFFICE

Senator Tim Kelly
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Re: House Bill 476

Dear Senator Kelly:

I am writing to you on behalf of State Farm Insurance Company and Allstate Insurance Company regarding House Bill 476, introduced and passed by the House during the last legislative session but remained in the Senate Rules Committee when the session ended. This bill deals with premium increases in automobile insurance policies, and was introduced at our request to correct an ambiguity in AS 21.36.420, which was added by the legislature in 1984 via House Bill 16. We enclose herewith a copy of AS 21.36.420 for your information as well as a copy of the Department of Commerce and Economic Development's 1986 Position Paper favoring the legislation.

The ambiguity House Bill 476 was designed to correct is contained in subsection (d) of AS 21.36.420:

An insurer that increases the premium or adds a surcharge to an automobile insurance policy shall give written notice of the increase or surcharge at least 15 days before it takes effect, stating the reason for the change and the right of appeal under AS 21.39.090.

Senator Tim Kelly
January 15, 1987
Page 2

If this subsection is read literally, it could be interpreted to require an insurer to send an insured a statement of reasons for change in premium and a statement of the notice of right to appeal every time a premium is increased, regardless of the reason for the premium increase. Such a requirement would significantly affect the practical consequences of the way we presently do business. For example, when a general rate increase is approved by the Division of Insurance, our insureds receive at least fifteen days notice of this increase, and a brief explanation of the reasons for the increase. To present an insured with a statement telling them that they have a statutory right to appeal a premium increase already approved by the Division of Insurance is illusory, because the Department has already approved the increase. It in fact would be illegal for us to charge anything but the approved rate. To suggest by means of a notice that our insured has a right of appeal not only is misleading, but could generate wasteful litigation and/or administrative hearings.

The more practical problems we face are where our insured calls and tells us that he has either added a youthful driver to his policy or purchased a new car. If we follow the literal dictates of the present statute, we simply would not be able to accept coverage in either instance until at least fifteen days after the request was made in order to assure that our insured has been informed of his proper statutory right of notice and appeal. The same would be true of where our insured moves to a higher rated area. We would not be able to accept coverage unless our insured is able to contact us early enough so we can provide the fifteen day notice of increase and right of appeal. We do not believe that anyone intended AS 21.36.420 to have this effect, and we believe House Bill 476 would correct this ambiguity and thus urge its passage.

The present version of House Bill 476 requires written notice of the increase stating the reason for the change and the right of appeal in all instances except to: (1) a premium increase resulting from a change requested by an insured if the insured is notified at the time of the request that his or her premium will change, or (2) a rate increase approved by the Director if the insurer gives written notice to the insured of the rate increase at least fifteen days before the expiration date of the affected policy, which is when the increase would of course take effect. We do not believe these changes would affect in any way the original intent which prompted the enactment of AS 21.36.420. On the

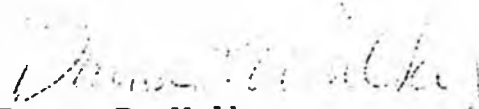
Senator Tim Kelly
January 15, 1987
Page 3

contrary, HB 476 would correct a negative effect not intended by the original legislation.

We do hope this ambiguity can be corrected this session and kindly request you calendar the bill. We will be happy to provide any assistance or further information you might desire. Thank you.

Sincerely,

HUGHES THORSNESS GANTZ
POWELL & BRUNDIN

By: 
Donna P. Walker

Enclosures
DPW/mh
1435A

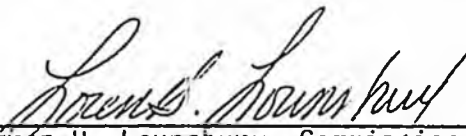
cc: Senator Jan Faiks

CSHB 476: "An Act relating to automobile insurance premiums."

The department is in favor of this legislation. This proposal is intended to correct a deficiency in Ch 62 SLA 1984. The sponsor of that bill was attempting to provide an appeal mechanism for persons aggrieved by automobile insurance rate increases resulting from surcharges for an accident or violation appearing on that person's driving record, and which is alleged to be inappropriate.

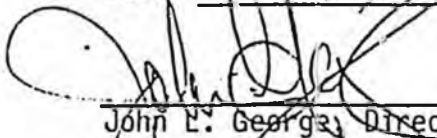
Alaska Statute 21.36.420(d) was structured to require a notice of all premium increases by an insurer. The notice gives a reason for the increase and the right to an appeal under AS 21.39.090. It is not clear whether a notice of reason and notice of right to appeal is required on increases resulting from other than a change in the individual driving record. Such increases are subject to rate review and approval by the State before use and we believe that a right to appeal on top of the review process would be unduly wasteful of state resources.

This bill would clarify the requirement for notice by specifying the circumstances in which the notice is necessary and the scope of notice required. It does provide recourse for surcharges or increases that are not appropriate because a person was not convicted of a violation or at fault in an accident. We do not object to the notice of premium increase on approved rate filings because it is a fair thing to do. It does generate additional cost for the insurer which will ultimately be passed along to the consumer. It is, however, a reasonable and fair requirement.


Loren H. Lounsbury, Commissioner
Department of Commerce & Economic
Development

Date:

3/3/86


John E. George, Director of Insurance

Date:

3/3/86

2/5

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 476
 Title: Automobile Insurance Premium

Sponsor: M. M. Miller
 Requestor: John L. George
 Date of Request: February 19, 1986

FISCAL DETAIL

Agency Affected: Division of Insurance
 BRU: _____

Components: _____

EXPENDITURES / REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY '91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary.

Prepared by: John L. George, Director
 Division: Division of Insurance

Phone: 465-2515
 Date: February 19, 1986

Approved by Commissioner: [Signature]
 Agency: Commerce and Economic Development

Date: February 19, 1986

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

SB 88: "An Act relating to increases or surcharges to automobile insurance premiums."

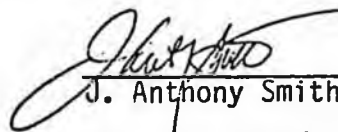
The Department of Commerce and Economic Development is in favor of this legislation.

The legislation proposes to introduce two exceptions to legislation adopted in 1984. That legislation, Ch. 62, SLA 1984, enacted AS 21.36.420, which requires that before a premium increase for automobile insurance can be applied, the insurer must first have sent a notice to the insured that the increase would take place. The statute also required that an insured be advised that he or she may request a hearing in Alaska before the insurer or its rating organization to appeal the application of the increased rate. The 1984 legislation provided for no exceptions.

The intent expressed during hearings held on the bill and by the sponsor was to provide notice of any rate increase for automobile insurance and entertain cases to provide an appeal mechanism for persons aggrieved by the rate changes because of points or surcharges applied to an insured. The proposed bill clarifies the notice of change provision by recognizing that there are situations where a lengthy period between notice and application does not really add to public protection and may, in fact, impair market availability. For example, change of car, addition of a young driver, or additional vehicles do increase the price of insurance and insureds know this is fact. Increases in such cases are not a surprise and a revision to the notice provision does not impact public protection.

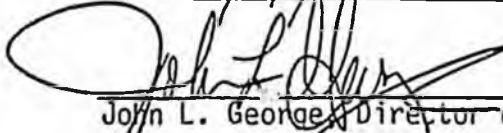
The real issue addressed with this proposal is the notice of a right to a hearing when a rate increase occurs. That feature is not reasonable in those cases where there is a change wrought by the insured and he is told that it will have a rate impact, or when an increase is due to a general rate increase which has been reviewed and approved by the Division of Insurance.

Our concern is that the absence of reasonable exceptions provides the opportunity for frivolous requests for hearings that would eventually burden the state with unnecessary hearings. This does not impair the ability of a person aggrieved by the application of the rating system from a hearing on the manner in which the system is applied if there is reason to believe that another application would be appropriate.



J. Anthony Smith, Commissioner

Date: 2/19/87



John L. George, Director of Insurance

Date: 2/18/87

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: SB 88

Bill Version: _____
Publish Date: _____

Revision Date: _____

Agency Affected: Commerce & Economic Development
BRU: Insurance

Title: An Act relating to increases or surcharges to automobile insurance premiums

Sponsor: Labor & Commerce Committee

Components: PUBLIC PROTECTION

Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE	0.0	0.0	0.0	0.0	0.0	0.0

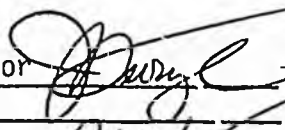
FUNDING: (Thousands of Dollars)


GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: John L. George, Director  Phone: 465-2515
Division: Division of Insurance Date: February 10, 1987

Approved by Commissioner: J. Anthony Smith  Date: February, 1987
Agency: Commerce and Economic Development

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary



Alaska State Legislature

Senate

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

January 27, 1987

MEMORANDUM

To: Senate Labor & Commerce Committee Members

From: Senator Tim Kelly, Chairman *TDK*
Labor & Commerce Committee

Subject: Proposed Committee Bill regarding Automobile
Insurance Premiums

Attached is a copy of proposed committee legislation to clarify a significant ambiguity regarding increases to automobile insurance premiums.

Last year, HB 476, which contained identical language, unanimously passed the House of Representatives. While favorably considered by Senate committees, the Rules Committee was unable to place the bill on the calendar in the closing days of the legislative session.

To my knowledge little opposition to this legislation has surfaced and the bill enjoys the support of the Division of Insurance.

Please let me know if you have objections or concerns about introducing this legislation as a committee bill.

IN THE SENATE

BY THE LABOR AND
COMMERCE COMMITTEE

SENATE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIFTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to increases or surcharges to automobile insurance premiums."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 21.36.420(d) is amended to read:

(d) An insurer that increases the premium or adds a surcharge to an automobile insurance policy shall give written notice of the increase or surcharge at least 15 days before it takes effect, stating the reason for the change and the right of appeal under AS 21.39.090.

This subsection does not apply to a

(1) premium increase resulting from a change requested by an insured, if the insured is notified at the time the request is made that the amount of the insured's premium will change as a result of the requested policy change; or

(2) rate approved by the director if the insurer gives written notice of a premium increase to the insured at least 15 days before the renewal date of the affected policy.

Offered: 4/4/86
Referred: Rules

Original sponsor: M.M. Miller
by request

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

CS FOR HOUSE BILL NO. 476 (Judiciary)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to automobile insurance premiums."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8

Section 1. AS 21.36.420(d) is amended to read:

9

(d) An insurer that increases the premium or adds a surcharge to

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an automobile insurance policy shall give written notice of the in-

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the reason for the change and the right of appeal under AS 21.39.090.

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(1) premium increase resulting from a change requested by

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an insured, if the insured is notified at the time the request is made

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that the amount of the insured's premium will change as a result of

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the requested policy change; or

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(2) rate approved by the director if the insurer gives

19

written notice of a premium increase to the insured at least 15 days

20

before the renewal date of the affected policy.

DATE	PAGE	ACTION
01/14/86 (H)	1790	READ THE FIRST TIME - REFERRAL(S)
02/21/86 (H)	2199	HESS RPT 7DP
02/21/86 (H)	2199	ZERO FISCAL NOTE JUDICIARY RULES

HB 474

AN ACT RELATING TO VOLUNTEER GUARDIANS AD LITEM IN THE OFFICE OF PUBLIC ADVOCACY.

BY REQ OF THE GOVERNOR

CO-SPONSORS: GRUENBERG, COTTEN, GOLL, TAYLOR, UEHLING

CURRENT STATUS: (H) FIN

DATE	PAGE	ACTION
01/15/86 (H)	1798	READ THE FIRST TIME - REFERRAL(S)
02/07/86 (H)	2000	HESS RPT CS(HESS) NEW TITLE 6DP INR
02/07/86 (H)	2000	FISCAL NOTE HSE SUPPL 81
02/07/86 (H)	2000	ZERO FISCAL NOTE
02/26/86 (H)	2230	JUD RPT CS(JUD) NEW TITLE 6DP INR FINANCE RULES

HB 475

CSHB 477

AN ACT RELATING TO JANUARY 15, MARTIN LUTHER KING DAY, A LEGAL HOLIDAY.

BY REQ OF THE GOVERNOR

CO-SPONSORS: UEHLING, KRUISIN, MILLER, HAY, COLLINS, GRUENBERG, GUNCAN

CURRENT STATUS: (H) FIN

DATE	PAGE	ACTION
01/15/86 (H)	1799	READ THE FIRST TIME - REFERRAL(S)
01/20/86 (H)	1829	SPONSOR SUBSTITUTE INTRODUCED
02/19/86 (H)	2086	SA RPT CS(SA) NEW TITLE 6DP
02/19/86 (H)	2087	2 FISCAL NOTES HSF SUPPL 85
02/19/86 (H)	2087	ZERO FISCAL NOTE/ANALYSIS HSE SUPPL 85 FINANCE RULES

HB 476

CSHB 477

AN ACT RELATING TO AUTOMOBILE INSURANCE PREMIUMS.

BY REQ OF THE GOVERNOR

BY REQ OF THE GOVERNOR

CURRENT STATUS: (H) RES

DATE	PAGE	ACTION
01/15/86 (H)	1799	READ THE FIRST TIME - REFERRAL(S)
01/20/86 (H)	1821	LOAN RPT CS(LOANS) NEW TITLE 3DP 2NR
02/07/86 (H)	2281	ZERO FISCAL NOTE
02/07/86 (H)	2288	JUD RPT CS(JUD) 4DP INR
02/15/86 (H)	2273	RULES TO CALENDAR 4/18/86
02/15/86 (H)	2273	READ THE SECOND TIME
02/15/86 (H)	2273	FIN CS ADOPTED UNAN CONSENT
02/15/86 (H)	2273	ADVANCED TO THIRD READING UNAN CONSENT
02/15/86 (H)	2273	READ THE THIRD TIME CSHB 476(JUD)

PAGE 198

DATE	PAGE	ACTION
04/18/86 (H)	2773	PASSED Y33 H- X5 A2
04/18/86 (H)	2774	FURNACE NOTICE OF RECONSIDERATION
04/21/86 (H)	2811	RECONSIDERATION NOT TAKEN UP
04/21/86 (H)	2811	TRANSMITTED TO (S)
04/22/86 (S)	2433	READ THE FIRST TIME - REFERRAL(S)
05/02/86 (S)	2576	C&RA RPT 3DP
05/10/86 (S)	2739	JUD RPT 3DP INR RULES

HB 477

CSHB 477

AN ACT MAKING, AMENDING, AND REPEALING APPROPRIATIONS FOR ENERGY PROGRAMS; AND PROVIDING FOR AN EFFECTIVE DATE.

PRIME SPONSOR: RULES COMMITTEE

BY REQ OF THE GOVERNOR

CO-SPONSORS:

CURRENT STATUS: CHAPTER 41 SLA 86

DATE	PAGE	ACTION
01/15/86 (H)	1799	READ THE FIRST TIME - REFERRAL(S)
01/15/86 (H)	1799	GOVERNOR'S TRANSMITTAL LETTER
03/26/86 (H)	2492	LOAN RPT CS(LOANS) NEW TITLE 3DP 2NR
04/14/86 (H)	2698	FIN RPT CS(FIN) NEW TITLE 7DP INR
04/15/86 (H)		RULES TO CALENDAR 4/16/86
04/16/86 (H)	2742	READ THE SECOND TIME
04/16/86 (H)	2743	FIN CS ADOPTED UNAN CONSENT
04/16/86 (H)	2743	AM NO 1 FAILED Y5 N33 A2
04/16/86 (H)	2744	AM NO 2 FAILED Y1 N38 A1
04/16/86 (H)	2744	ADVANCED TO THIRD READING UNAN CONSENT
04/16/86 (H)	2745	READ THE THIRD TIME CSHB 477(FIN)
04/16/86 (H)	2745	PASSED Y39 H1
04/16/86 (H)	2745	EFFECTIVE DATE SAME AS PASSAGE
04/16/86 (H)	2750	TRANSMITTED TO (S)
04/17/86 (S)	2377	READ THE FIRST TIME - REFERRAL(S)
04/28/86 (S)	2506	RES REFERRAL WAIVED
04/30/86 (S)	2536	FIN RPT 3DP WITH AM 2NR
04/30/86 (S)	2560	RULES RPT CALENDAR 5/1
05/01/86 (S)	2561	READ THE SECOND TIME
05/01/86 (S)	2561	AM NO 1 ADOPTED UNAN CONSENT
05/01/86 (S)	2562	ADVANCED TO THIRD READING UNAN CONSENT
05/01/86 (S)	2562	READ THE THIRD TIME CSHB 477 FIN AM 5
05/01/86 (S)	2562	PASSED Y17 H1 A2
05/01/86 (S)	2562	EFFECTIVE DATE SAME AS PASSAGE
05/01/86 (S)	2567	TRANSMITTED TO (H) AS AMENDED
05/02/86 (H)	3059	HELD UNDER UNFINISHED BUSINESS
05/06/86 (H)	3152	CONCUR AM OF (S) Y32 N3 A5
05/06/86 (H)	3153	EFFECTIVE DATE SAME AS PASSAGE
05/06/86 (H)	3248	1:10 PM 5/5/86 TRANSMITTED TO GOVERNOR
05/24/86 (H)	3554	SIGNED INTO LAW CHAPTER 41 SLA 86
05/24/86 (H)		EFFECTIVE DATE OF LAW SEE CHAPTER

HB 478

AN ACT RELATING TO ESTABLISHING A HOUSE HABITAT AND OFFICE ON STAMP AND FEE; AND PROVIDING FOR AN EFFECTIVE DATE.

PRIME SPONSOR: MERTIN
CO-SPONSORS: UEHLING

CURRENT STATUS: (H) RES

PAGE 199

BILL HB0476
PAGE 02281
DATE 03/05/86
CHAMBER HOUSE
TEXT

The Community & Regional Affairs Committee has considered HOUSE BILL NO. 476 (relating to automobile insurance premiums), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 476 (C&RA) (same title) and reports it back as follows: Goll (Chairman), Wallis, Koponen and Marrou recommend do pass; Phillips and Furnace have no recommendation. A zero fiscal note was attached. HB 476 was referred to the Judiciary Committee.

BILL HB0476
PAGE 02568
DATE 04/04/86
CHAMBER HOUSE
TEXT

The Judiciary Committee has considered HOUSE BILL NO. 476 (relating to automobile insurance premiums), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 476 (Judiciary) (same title) and reports it back as follows: M.M. Miller (Chairman), Sund, Phillips and Gruenberg recommend do pass; Clocksin has no recommendation. HB 476 was referred to the Rules Committee for placement on the calendar.

BILL HB0476
PAGE 02576
DATE 05/02/86
CHAMBER SENATE
TEXT

The Community and Regional Affairs Committee considered <CS> <FOR HOUSE BILL NO. 476 (JUD) >(automobile insurance premiums) and a majority of the committee recommended do pass. The report was signed by Senator DeVries, Chairman and concurred in by Senators Sturgulewski and Coghill. CS FOR HOUSE BILL NO. 476 (JUD) was referred to the Judiciary Committee.

BILL HB0476
PAGE 02739
DATE 05/10/86
CHAMBER SENATE
TEXT

The Judiciary Committee considered <CS FOR HOUSE BILL NO. 476> <(JUD) >(automobile insurance premiums) and a majority of the committee recommended do pass. The report was signed by Senator Rodey, Chairman and concurred in by Senators Halford and Faiks. Senator Ziegler signed "no recommendation". CS FOR HOUSE BILL NO. 476 (JUD) was referred to the Rules Committee.

STATE OF ALASKA THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

HL+C

4-28-87

1:30 p.m.